SUBJECT NO. 19.

Facilities to creditors in mortgage decrees.

Mr. A. Krishna Rao, Bar Association, Mysore.

Summary of discussion.—In all mortgage decrees where the decree holder has got a personal remedy also against the judgment-debtor, he may be allowed to proceed in the first instance either against the person or the property of the judgment-debtor.

Reply of Government.—No necessity to alter the law. Order XXXIV—Rule 14 of the Civil Procedure Code provides for such cases.

SUBJECT NO. 20.

Copies of judgments, etc., for presentation to the appellate courts.

Mr. Suryanarayana Setti, Arkalgud taluk.

Summary of discussion.—At the time of instituting appeals against the decrees passed by courts, copies of the decree and judgment are required to be presented to the appellate court along with the memo of appeal. When the appellate court decides the appeal against the appellant, copies of the decree and judgment have to be obtained a second time if he wishes to prefer a second appeal. This system involves pecuniary loss to the parties as they have to pay again for obtaining copies of decrees, etc., of the original court. It is therefore prayed that the copies presented to the first appellate court may be made available for presentation to the second appellate court when filing a second appeal.

Reply of Government.—This has been provided for by an addition to the rules.

SUBJECT NO. 21.

Return of copies of judgments filed in Criminal Courts.

Mr. N. Bheema Rao, Chitaldrug municipality.

Summary of discussion.—Just as copies of decrees and other documents are returned on application to the party filing them after the cases are disposed of in the civil courts, criminal courts may be ordered to return the judgment copy or other documents filed on the application of the party without putting him to further expense by way of obtaining copies of the same.

Reply of Government.—Present rules do not place any restriction on the return of documents.

SUBJECT NO. 22.

Grant of copy of complaint petition to the accused along with summons.

Mr. A. Narasimhaiya, Malvalli taluk.

Summary of discussion.—As copies of the plaint are delivered to defendants along with summonses in civil cases, arrangements may be caused to be made for the delivery of copies of complaint petitions in criminal cases also to the accused persons along with the summonses as it will give greater facilities to the parties and the Magistrates.

Reply of Government.—No *prima facie* case has been made out for the grant of the prayer. But the question will be examined again.

SUBJECT NO. 23.

Supply of references from the Central Records.

Messrs. Venkataramaniah and Ramachar, Kolar municipality.

Summary of discussion.—In civil courts, there is sometimes considerable delay in the disposal of cases for want of previous records, which are sent away to the Central Record Office. The parties are put to much inconvenience and hardship on this account. It is therefore

prayed that the records may be ordered to be kept in the courts at least for one year after their disposal.

Reply of Government.—Noted for consideration. Measures to save delay in sending references will be considered.

SUBJECT No. 24.

Noting the date of disposal in the copy applications to be dispensed with.

Mr. Suryanarayana Rao, Tumkur taluk.

Summary of discussion.—When applications for copies are presented to civil courts, the applicants are required to note therein the date of disposal of cases. There appears to be no difficulty in having the records if the number and the year are quoted in such applications. It is requested that the noting of the date of disposal of cases may be dispensed with.

Reply of Government.—The rules do not insist on the date of disposal being given. Individual representations may be made in regard to cases where this is required to be done to the courts concerned.

SUBJECT No. 25.

Court sales.

Mr. K. Krishnamurti Rao, Magadi taluk.

Summary of discussion.—Revenue and civil court sales which are at present conducted by Nazirs and other low paid officials without proper advertisement may be caused to be conducted through recognized agents on payment of 5 per cent commission on the sale proceeds.

Mr. K. Krishnamurti Rao pointed out two or three cases where properties were said to have been knocked down for low bids.

Messrs. Venkatachar and *Narasimhachar* represented on the other hand that there were sufficient provisions for setting aside a sale if there was no publication of proclamation, that the existing rules caused enough of delay and worry to decree holders and that the measure proposed would introduce further difficulties.

Reply of Government.—Not feasible.

Mr. Channakesavaiya made a request incidentally that time to present applications under Order XXI, Rule 89, might be extended to two months.

Reply thereon.— Noted.

SUBJECT No. 26.

Issue of cheques to parties in civil cases without the signatures of the lawyers.

Mr. Hutchaveere Gowda, Gubbi taluk.

Summary of discussion.—The civil courts insist upon the necessity of obtaining the signatures of the lawyers to cheque and cash books before the issue of cheques to the parties. This was not in vogue four or five years ago. It is therefore prayed that this practice may be stopped as it causes much inconvenience to the parties.

Reply of Government.—It is insisted upon for purposes of identification whenever necessary. It is sufficient if reliable witnesses are produced for identifying the parties concerned.

SUBJECT No. 27.

Copying paper.

Messrs. Viswanatha Setti, Channapatna municipality, Venkata-

Summary of discussion.—The price of copying paper is heavy. It is not provided with as many cages as are enough to copy out the number of words which were be-